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**JUL 20 2006**

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**Appl. No. 09/986,104**  
**Pre-Appeal Brief Request for Review**

**IN THE UNITED STATES**  
**PATENT AND TRADEMARK OFFICE**

**Appl. No. : 09/986,104**  
**Applicant(s) : HARS, Laszio**  
**Filed : 11/7/2001**  
**TC/A.U. : 2131**  
**Examiner : ZIA, Syed**  
**Atty. Docket : US-010172**

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On: 20 July 2006

By: 

**Title: APPARATUS FOR AND METHOD OF PREVENTING THE ILLICIT COPYING**  
**OF DIGITAL CONTENT**

**Pre-Appeal Brief Request for Review**

**Mail Stop AF**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Sir:

In response to the final Office action of 20 April 2006, the applicant requests review of the rejection in the above referenced application, the claims having been at least twice rejected. No amendments are being filed with this request. This paper is being filed with a notice of appeal.

**This review is requested for the reason(s) stated on the attached sheet(s) .**

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### REMARKS

**The examiner's omissions of one or more essential elements needed for a prima facie rejection:**

The Office action rejects claims 1, 4-7, and 10-17 under 35 U.S.C. 102(b) over Linnartz ("The 'ticket' concept for copy control based on embedded signaling"; Philips Research, 4 February 1998).

MPEP 2131 states:

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as *complete detail* as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1, upon which claims 2-6 depend, claims a method that includes preventing the importation of sections of digital content having a length less than or equal to a length associated with a length of reliable watermark detection.

The Office action recites the entirety of claim 1, with a single reference to Linnartz: "page 4, bullet 4; page 9, bullet 1". These bullets follow:

"- Detection in 10 seconds or faster." (Linnartz, page 4, bullet 4.)

"- The disc contains a ticket in the form of a physical mark P reserved for stamped media. The content of the disc contains a watermark W. The player further checks the validation ticket. One of the following conditions must be satisfied:

"Never-copy": The relation  $W=F(P)$  is satisfied.

"One-copy":  $T$  is present and  $W=F(F(F(T)))$  is satisfied. In this case,  $F(T)$  is made available at the output of the drive." (Linnartz, page 9, bullet 1.)

As can be seen, the cited text of Linnartz does not teach preventing the importation of sections of digital content having a length less than or equal to a length associated with a length of reliable watermark detection. The cited text does not address a length of sections of digital content, and does not address a length associated with reliable watermark detection.

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Claim 7, upon which claims 8-16 depend, claims an apparatus that includes a detector for segments of digital content having a length equal to or less than a preset length, the preset length being so short that watermarks cannot be reliably detected, and a signal processor responsive to the detector and the digital content for preventing importing to the secure domain at least some of the digital content segment being detected as having a length less than or equal to the preset length.

Linnartz fails to teach a detector of segments having a length less than or equal to a preset length.

The Office action cites Linnartz page 4, lines 29-30 for this teaching:

"However, since watermark detectors must be built into millions of low-cost, consumer devices, and since these detectors must work at video rates, there is a very strong requirement that the detector be extremely simple and cheap."

As can be seen, this cited text does not teach a detector of segments having a length less than or equal to a preset length.

Linnartz fails to teach that the aforementioned preset length is so short that watermarks cannot be reliably detected.

The Office action fails to identify where Linnartz provides this teaching.

Linnartz fails to teach a signal processor that prevents importation of at least some of the digital content segment being detected as having a length less than or equal to the preset length.

The Office action cites Linnartz page 4, bullet 4, and page 9, bullet 1, for this teaching. As discussed above with regard to claim 1, this cited text does not address the length of digital content segments and does not address preventing importation based on such lengths.

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Claim 17, upon which claims 18-20 depend, claims a method that includes determining whether the length of a segment is sufficient to enable detection of a watermark if present in the segment, and controlling importation of the segment into the secure domain in response to the segment length determination.

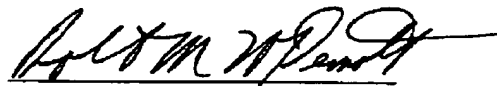
Linnartz fails to teach determining whether the length of a segment is sufficient to enable detection of a watermark if present in the segment, and fails to teach controlling importation of the segment into the secure domain in response to the segment length determination.

The Office action cites Linnartz page 4, lines 9-30; page 7, bullet 3 (discussed above); page 9, lines 5-8 and 16; page 4, bullet 4 (discussed above); and page 9, bullet 1 (discussed above) for these teachings.

The applicant respectfully notes that page 4, lines 9-30 and page 9, lines 4-8 and 16 of Linnartz addresses do not address determining a length of a segment, do not address a sufficient length for watermark detection, and do not address controlling the importation in response to such length determinations.

Because Linnartz fails to teach each of the elements of any of the applicant's independent claims, the applicant respectfully maintains that the rejection of claims 1, 4-7, and 10-17 under 35 U.S.C. 102(b) over Linnartz is unfounded, per MPEP 2131.

Respectfully submitted,



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